

May 23, 2007

Samuel L. Guy, Esquire
P.O. Box 25464
Wilmington, DE 19899

**Re: Freedom of Information Act Complaint
Against Christina School District**

Dear Mr. Guy:

On March 21, 2007, our Office received your complaint alleging that the Christina School District ("the School District") violated the public record requirements of the Delaware Freedom of Information Act, 29 *Del. C.* Chapter 100 ("FOIA"), by not providing you access to information you requested.

You attached to your FOIA complaint an e-mail to the School District asking: (1) "whether Glasgow High School Boy's Soccer had any 'emergency coaches' defined" in [Delaware Interscholastic Athletic Association ("DIAA") regulations]. If so, I would like to obtain copies of the documents supporting the response"; (2) "whether Glasgow High School Boy's Soccer had any 'certified coaches' " as defined [by DIAA regulations]. If so, I would like to obtain copies of the documents supporting the response"; and (3) "the names of all Glasgow High School Boy's Soccer Coaches who were paid out of Delaware State funds. If there are any, I would like to obtain copies of the documents supporting the response."

By letter dated March 21, 2007, our Office asked the School District to respond to your FOIA

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complaint by April 1, 2007. Our Office received the School District's initial response on March 29, 2007. According to the School District, "no one at the District administrative offices ever received the request Samuel Guy sent to Brenda Phillips by e-mail on March 22, 2006." ¹

Nevertheless, the School District enclosed with its response "the District record providing information responsive to Mr. Guy's request. The first, second, and seventh lines of the attachment address Mr. Guy's inquiry."

That attachment is a one-page spread sheet listing coaching positions, the name of the coach, the season (*e.g.*, "Fall"), and salary. The spreadsheet lists Eric Anderson as Soccer Boys Head (fall); Michael Anderson as Assistant Soccer Boys (fall); and Mark Donnelly as 9th Grade Soccer Boys (fall).

On April 2, 2007, our Office asked the School District for additional information: whether the three coaches listed in the School District's spreadsheet were "'certified' or 'emergency' coaches for purposes of DIAA regulations. Also, it is not clear whether the dollar amounts listed in the spreadsheet reflect State funds."

By letter dated April 17, 2007, our Office received a supplemental response from the School District. The School District attached "documents verifying that Eric M. Anderson and Mark Donnelly are certified teachers. Michael Anderson worked for Christina as a substitute. Attached is a 'screen shot' from Christina's system confirming Michael Anderson's status. Coaches are paid 'EPER' funds. All such funds are local."

¹ Your e-mail to Ms. Phillips was dated March 22, 2007. You sent your FOIA complaint with to our Office by e-mail on March 20, 2007 attaching your e-mail to Ms. Phillips which appears you had not sent as of the date of your complaint.

RELEVANT STATUTES

FOIA provides that "[a]ll public records shall be open to inspection and copying by any citizen of the State during regular business hours by the custodian of the records for the appropriate public body." 29 *Del. C.* §10003(a).

LEGAL AUTHORITY

It appears from the record that you may never have sent your e-mail FOIA request to the School District since your complaint to our Office pre-dated the date on that e-mail by two days. In any event, we enclose copies of the records provided to us by the School District which we believe are responsive to your FOIA request. (For the spreadsheet, we redacted the coaches' social security numbers to protect their individual privacy). Our Office considers the matter resolved.

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CONCLUSION

For the foregoing reasons, our Office determines that the School District did not violate the public record requirements of FOIA. Even if you had made a proper request to the School District, the School District has provided you (through our Office) with copies of records containing the information you were seeking.

Very truly yours,

W. Michael Tupman
Deputy Attorney General

APPROVED

Lawrence W. Lewis, Esquire
State Solicitor

Attachments (4)

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cc: The Honorable Joseph R. Biden, III
Attorney General

Richard S. Gebelein, Esquire
Chief Deputy Attorney General

Keith R. Brady, Esquire
Assistant State Solicitor

David H. Williams, Esquire

Mary Ann Haley
Opinion Coordinator